

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:04-CV-1153-F
)	(WO)
ONE 1999 FORD EXPEDITION, VIN. No.))	
1FMRU1766XLC19187, with all))	
appurtenances and attachments thereon,))	
)	
Defendants.)	

ORDER

This case is before the Court on the United States of America's Motion for Summary Judgment (Doc. #13), filed on June 10, 2005. In this Motion, the government seeks "summary judgment . . . in its favor against the Claimant." (Mot. Summ. J., 2.)¹ However, in its Reply Brief, the government "concedes that summary judgment is not due for the issue of [the Claimant's] 'innocent owner' defense regarding her interest in the vehicle." (Response, 3.) Therefore, because the United States concedes that a ruling in its favor as to the only claim currently before the Court is not appropriate, it is hereby

¹Although the government's Brief in Support of Summary Judgment and Reply Brief both discuss the interests of Joseph Kennedy, the government has not moved for disposition of his interest in the Motion for Summary Judgment itself. Furthermore, summary judgment is not an appropriate way to adjudicate the interests of Joseph Kennedy and of all other persons and entities having interest in the property as a Clerk's Entry of Default (Doc. #11) has been entered against them. *See* Fed. R. Civ. P. 55(a). Therefore, the Court will not address their interests in the Defendant property at this time.

ORDERED that the United States' Motion for Summary Judgment (Doc. #13) is
DENIED.

DONE this 6th day of July, 2005.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE